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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Akira HATTORI et al.

Group Art Unit: 3663

Application No.: 10/733,464

Examiner: E. PIPALA

Filed: December 12, 2003

Docket No.: 118042

For: CURVE'S RADIUS ESTIMATION DEVICE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the April 20, 2007 Restriction Requirement, Applicants provisionally elect Group I, claims 1, 3-6 and 16, with traverse.

It is respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Furthermore, Applicants submit that the Restriction Requirement was improper because the Group II requires all of the features of Group I. Group I and Group II were restricted as combination and subcombination claims, which would be proper **only if the combination does not require all the particularities of the subcombination** and if the subcombination has utility by itself or other combinations (MPEP §806.05(c)). The combination (Group II) depends from the subcombination (Group I). Specifically, claim 18 recites "the curve radius estimation device claimed in claim 1" and therefore, the combination of claim 18 **cannot** be used with another curve radius estimation device, as asserted by the Examiner. Thus, Group II necessarily contains **all the particularities of** Group I and the Restriction Requirement is therefore defective..

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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Date: May 21, 2007

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